

PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD 201 <u>7</u> - <u>52</u>	
Acceptance Date:	<u>5-3-17</u>
Website Posting Date:	<u>5-5-17</u>
Determination Date:	<u>5-3-17</u>
Planning Commission Date:	<u>5-9-17</u>
Expiration Date:	<u>5-3-28</u>
Planner Assigned:	<u>JG/AW</u>

Instructions: File all information requested under Part A for processing the Determination of Applicability (§8-27.1), including signature page. Fill out Parts A and B if you know, due to proximity of the shoreline, that your parcel will require a Certified Shoreline Survey. If you are proposing a permitted structure or subdivision within the shoreline setback area fill in Part C. For applications involving a variance, complete Part D.

Applicant Information	
Applicant:	Anininina LLC c/o Jon Kagle
Address:	P.O. Box 617 Kapaa, HI 96746
Phone:	808-652-0015
Email:	jon@cogentd.com
Applicant's Status: (Check one)	
<input type="checkbox"/> Owner of the Property	(Holder of at least 75% of the equitable and legal title)
<input type="checkbox"/> Lessee of the Property	Lessee must have an unexpired and recorded lease of five (5) years or more from the date of filing of this application. If not, Owner(s) must provide a Letter of Authorization.
<input checked="" type="checkbox"/> Authorized Agent	Attach Letter of Authorization
Transmittal Date: _____	

Project Information (attach additional sheets, if necessary)	
County Zoning District:	Open & Residential (R-4)
Tax Map Key(s):	5-8-008:040
Land Area:	23,500sf
Nature of Development: (Description of proposed Structure of subdivision)	Renovations to existing residence.

**NO PERMITS WILL BE ISSUED WITHOUT PLANNING COMMISSION ACCEPTANCE,
EXCEPT AS PROVIDED IN §8-27.8(c)(8)**

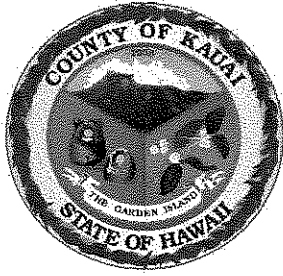
Part A

Shoreline Setback Determination of Applicability (§8-27.1)

Check all that apply, fill in applicable information. Any box checked must be accompanied by additional information, photos and/or documentation.

- ☒ Properties Abutting the Shoreline
☐ Project's approximate distance from shoreline: 45'
- ☐ Properties Not Abutting the Shoreline
☐ Project's approximate distance from shoreline: _____
- ☐ Additional Information:
☐ Closest distance of improvement(s) from Shoreline is approximately 45' ft.
☐ Number of parcels and type of improvements (roads, buildings, structures) between Shoreline and this parcel:

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Planner Assigned:	

- ☒ Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)

Subject property is relatively flat.

- ☒ Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)

Adjacent shoreline is a sandy beach with some exposed reef/rock.

- ☐ Artificially armored Shoreline

☐ If checked, what type of armoring (e.g. seawall, revetment, bulkhead): _____

☐ Is the armoring permitted/authorized? _____

☐ Date of authorization (attach copy of authorization letter): _____

- ☒ Is property in coastal floodplain (if checked, what zone)? Zone VE-24

- ☒ Has this property been subject to coastal hazards in the past? (If checked, please describe)

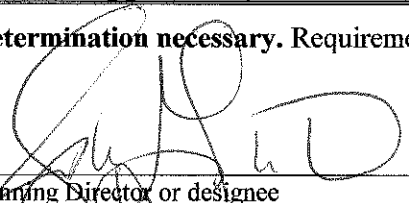
No, to the best of my knowledge.

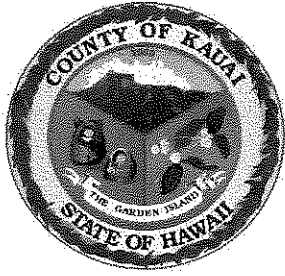
If the proposed structure or subdivision is within the shoreline setback area then, please be aware that if the determination of a structure is approved, the Applicant shall agree in writing that the Applicant, its successors, and permitted assigns shall defend, indemnify, and hold the County of Kaua'i harmless from and against any and all loss, liability, claim or demand arising out of damages to said structures from any coastal natural hazards and coastal erosion, pursuant to §8-27.7(b)(2).

The requirements of the Subsection (b) shall run with the land and shall be set forth in a unilateral agreement recorded by the applicant with the Bureau of Conveyances or the Land Court, whichever is applicable, no later than thirty (30) days after the date of final shoreline approval of the structure under §8-27.8. A copy of the recorded unilateral agreement shall be filed with the Director and the County Engineer no later than forty-five (45) days after the date of the final shoreline determination and approval of the structure and the filing of such with the Director shall be a prerequisite to the issuance of any related building permit. §8-27.7(b)(6).

Applicant's Signature

Signature Jim M. Ige Date 3 May 2017

Applicability (to be completed by Planning Department)	
<input checked="" type="checkbox"/>	Setback Determination necessary. Requirements of Ordinance No. 979 apply, submit full application.
	
Planning Director or designee	Date <u>5-3-17</u>



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

If **Part A** has been deemed that a Determination will be necessary, the additional information will be required for submission of this application.

Part B

Exemption Determination

- ☐ A non-refundable processing fee of **one hundred dollars (\$100.00)** shall accompany a request for determination. (§8-27.8(e))

☐ **Exemption 1**

In cases where the proposed structure or subdivision satisfies the following four criteria:

(A) In cases where the proposed structure or subdivision is located outside of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 'V' or 'VE' flood zones;

(B) The proposed structure or subdivision is located at an elevation which is thirty (30) feet above sea level or greater;

(C) The applicant can demonstrate to the satisfaction of the Planning Director that the property is clearly adjacent to a rocky shoreline and that it will not affect or be affected by coastal erosion or hazards; and

(D) The shoreline setback shall be sixty (60) feet from the certified shoreline which has been established not more than twelve (12) months from the date of the application for the exception under this section.

☐ **Exemption 2**

In cases where the applicant can demonstrate to the satisfaction of the Planning Director that the applicant's proposed structure or subdivision will not affect beach processes, impact public beach access, or be affected by or contribute to coastal erosion or hazards, excluding natural disasters. Factors to be considered shall include, but not be limited to, proximity to the shoreline, topography, properties between shoreline and applicant's property, elevation, and the history of coastal hazards in the area.

☒ **Exemption 3**

Those structures and uses found exempt in Table 3 (§8-27.7) (see pg. 5-6)

- ☒ Letter from the Department of Public Works stating that the proposed project does not constitute "Substantial Improvement," pursuant to §8-27.2

Exemption Determination (to be completed by Planning Department)

Pursuant to §8-27.3 the Kaua'i County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination required established under §8-27.8.


Planning Director or designee

9-3-17
Date



Letter of Authorization

I, Michael Fleiss of Anininina LLC, owner of lot T.M.K. (4) 5-8-008:040, enable Jon Kagle of Cogent Designs to act as the Authorized Agent regarding any permit submittal and processing for the aforementioned property.

A handwritten signature in black ink, appearing to be "MF", is written over a horizontal line.

Mike fleiss (Dec 21, 2016)

Michael Fleiss

Signature:

A handwritten signature in black ink, appearing to be "MF", is written over a horizontal line.

Mike fleiss (Dec 21, 2016)

Email: nextent@yahoo.com

Title: Manager



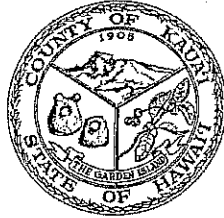
700
200

feet
meters

Google Earth

COPY

Bernard P. Carvalho, Jr.
Mayor



County of Kauai Lyle Tabata
Acting County Engineer

Wallace G. Rezentes, Jr.
Managing Director

17 APR 18 P3:00

DEPARTMENT OF PUBLIC WORKS

County of Kaua'i, State of Hawaii

4444 Rice Street, Suite 275, Lihue, Hawaii 96766
TEL (808) 241-4992 FAX (808) 241-6604

RECEIVED

April 13, 2017

Anininina LLC
PO BOX 617
Kapa'a HI 96746
Attn: Jon Kagle

Subject: SHORELINE SETBACK APPLICATION
SUBSTANTIAL IMPROVEMENT DETERMINATION (REVISED)
ANINININA LLC REPAIRS AND RENOVATIONS TO EXISTING RESIDENCE
TMK: (4) 5-8-008-040

Dear Mr. Kagle;

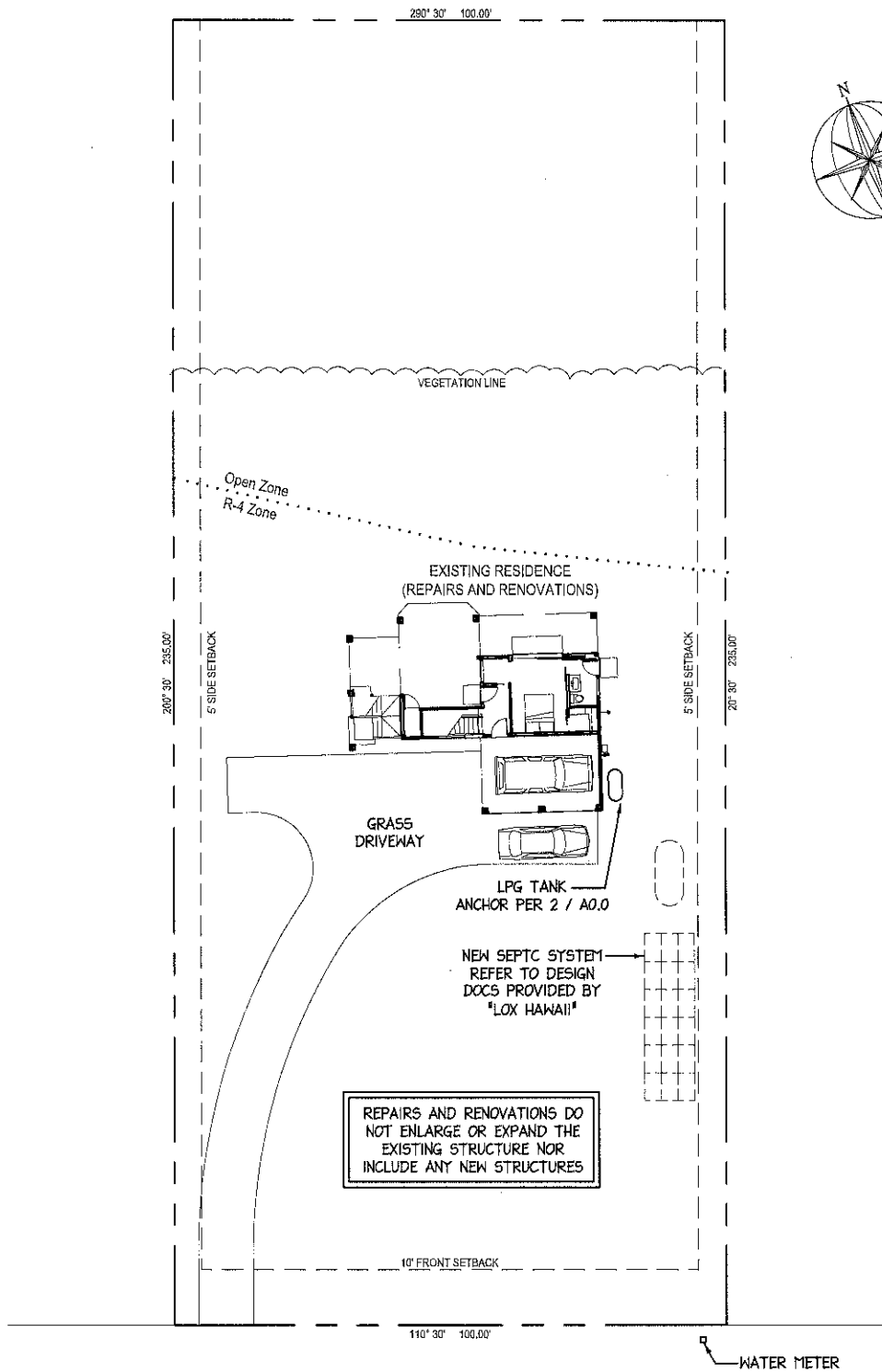
This letter is in response to the revised cost estimate dated April 3, 2017 that you submitted for the subject repairs.

The Department of Public Works in a letter to you dated February 1, 2017 stated that it had performed a Substantial Improvement Determination (SID) for the proposed improvements under Building Permit Application No. 16-2603 and determined that the proposed improvements did not constitute a substantial improvement. The SID was based on a cost estimate of \$182,500 prepared by S.G. Builders LLC and dated January 24, 2017.

The construction of an outdoor shower has been deleted from the scope of work and the cost of the proposed improvements is now estimated to be \$180,700. The cost of improvements compared to the market value is:

$$\frac{\text{Cost of Improvements (past 10 years): } \$180,700}{\text{Market Value (Real Property): } \$396,280} = 0.4559 \text{ or } 45.6\%$$

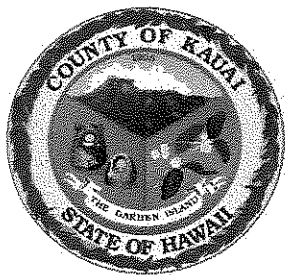
Since the total cost does not exceed 50% of the market value, the improvement is not considered to be substantial.



ALAMO'O ROAD

Plot Plan

1"=30'-0"



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Determination Date:	<u>5-3-17</u>
Planning Commission Date:	<u>5-4-17</u>
Expiration Date:	<u>5-3-20</u>
Planner Assigned:	<u>JC/KW</u>

Instructions: File all information requested under Part A for processing the Determination of Applicability (§8-27.1), including signature page. Fill out Parts A and B if you know, due to proximity of the shoreline, that your parcel will require a Certified Shoreline Survey. If you are proposing a permitted structure or subdivision within the shoreline setback area fill in Part C. For applications involving a variance, complete Part D.

Applicant Information	
Applicant:	Jon Kagle for Uplands Trust
Address:	P.O. Box 617 Kapaa, HI 96746
Phone:	652-0015
Email:	jon@cogentd.com
Applicant's Status: (Check one)	
<input type="checkbox"/> Owner of the Property	(Holder of at least 75% of the equitable and legal title)
<input type="checkbox"/> Lessee of the Property	Lessee must have an unexpired and recorded lease of five (5) years or more from the date of filing of this application. If not, Owner(s) must provide a Letter of Authorization.
<input checked="" type="checkbox"/> Authorized Agent	Attach Letter of Authorization
Transmittal Date: <u>21 April 2017</u>	

Project Information (attach additional sheets, if necessary)	
County Zoning District:	<u>Open</u>
Tax Map Key(s):	<u>(4) 5-5-002:094</u>
Land Area:	<u>46,703sf</u>
Nature of Development: (Description of proposed Structure of subdivision)	Demolition of Existing Garage. Construction of New Garage w/ Guest House above.

**NO PERMITS WILL BE ISSUED WITHOUT PLANNING COMMISSION ACCEPTANCE,
EXCEPT AS PROVIDED IN §8-27.8(c)(8)**

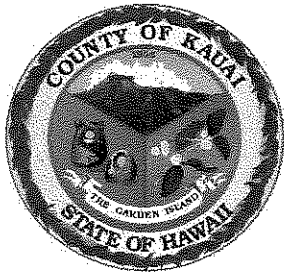
Part A

Shoreline Setback Determination of Applicability (§8-27.1)

Check all that apply, fill in applicable information. Any box checked must be accompanied by additional information, photos and/or documentation.

- ☒ Properties Abutting the Shoreline
☐ Project's approximate distance from shoreline: 425' 320' (Perennial Perennial)
- ☐ Properties Not Abutting the Shoreline
☐ Project's approximate distance from shoreline: _____
- ☐ Additional Information:
☐ Closest distance of improvement(s) from Shoreline is approximately 310' ft.
☐ Number of parcels and type of improvements (roads, buildings, structures) between Shoreline and this parcel:

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Planner Assigned:	

- ☒ Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)

Undulating to Flat grassy lawn w/ highest elevation approximately 14.8' above MSL

- ☒ Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)

Property abuts sandy beach

- ☐ Artificially armored Shoreline

☐ If checked, what type of armoring (e.g. seawall, revetment, bulkhead): _____

☐ Is the armoring permitted/authorized? _____

☐ Date of authorization (attach copy of authorization letter): _____

- ☒ Is property in coastal floodplain (if checked, what zone)? AE-12

- ☐ Has this property been subject to coastal hazards in the past? (If checked, please describe)

None to my knowledge, but likely to have had some flooding at some point in time.

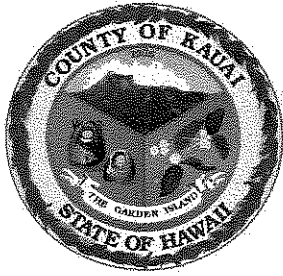
If the proposed structure or subdivision is within the shoreline setback area then, please be aware that if the determination of a structure is approved, the Applicant shall agree in writing that the Applicant, its successors, and permitted assigns shall defend, indemnify, and hold the County of Kaua'i harmless from and against any and all loss, liability, claim or demand arising out of damages to said structures from any coastal natural hazards and coastal erosion, pursuant to §8-27.7(b)(2).

The requirements of the Subsection (b) shall run with the land and shall be set forth in a unilateral agreement recorded by the applicant with the Bureau of Conveyances or the Land Court, whichever is applicable, no later than thirty (30) days after the date of final shoreline approval of the structure under §8-27.8. A copy of the recorded unilateral agreement shall be filed with the Director and the County Engineer no later than forty-five (45) days after the date of the final shoreline determination and approval of the structure and the filing of such with the Director shall be a prerequisite to the issuance of any related building permit. §8-27.7(b)(6).

Applicant's Signature

Signature Jim M. 1/4 Date 3 May 2017

Applicability (to be completed by Planning Department)	
<input checked="" type="checkbox"/>	Setback Determination necessary. Requirements of Ordinance No. 979 apply, submit full application.
<u>[Signature]</u>	<u>5-3-17</u>
Planning Director or designee	Date



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

If **Part A** has been deemed that a Determination will be necessary, the additional information will be required for submission of this application.

Part B

Exemption Determination

- ☐ A non-refundable processing fee of **one hundred dollars (\$100.00)** shall accompany a request for determination. (§8-27.8(e))

☐ **Exemption 1**

In cases where the proposed structure or subdivision satisfies the following four criteria:

(A) In cases where the proposed structure or subdivision is located outside of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 'V' or 'VE' flood zones;

(B) The proposed structure or subdivision is located at an elevation which is thirty (30) feet above sea level or greater;

(C) The applicant can demonstrate to the satisfaction of the Planning Director that the property is clearly adjacent to a rocky shoreline and that it will not affect or be affected by coastal erosion or hazards; and

(D) The shoreline setback shall be sixty (60) feet from the certified shoreline which has been established not more than twelve (12) months from the date of the application for the exception under this section.

☒ **Exemption 2**

In cases where the applicant can demonstrate to the satisfaction of the Planning Director that the applicant's proposed structure or subdivision will not affect beach processes, impact public beach access, or be affected by or contribute to coastal erosion or hazards, excluding natural disasters. Factors to be considered shall include, but not be limited to, proximity to the shoreline, topography, properties between shoreline and applicant's property, elevation, and the history of coastal hazards in the area.

☐ **Exemption 3**

Those structures and uses found exempt in Table 3 (§8-27.7) (see pg. 5-6)

- ☐ Letter from the Department of Public Works stating that the proposed project does not constitute "Substantial Improvement," pursuant to §8-27.2

Exemption Determination (to be completed by Planning Department)

Pursuant to §8-27.3 the Kaua'i County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination required established under §8-27.8.


Planning Director or designee


Date



1000
300

feet
meters

Google Earth



5174 Weke Road

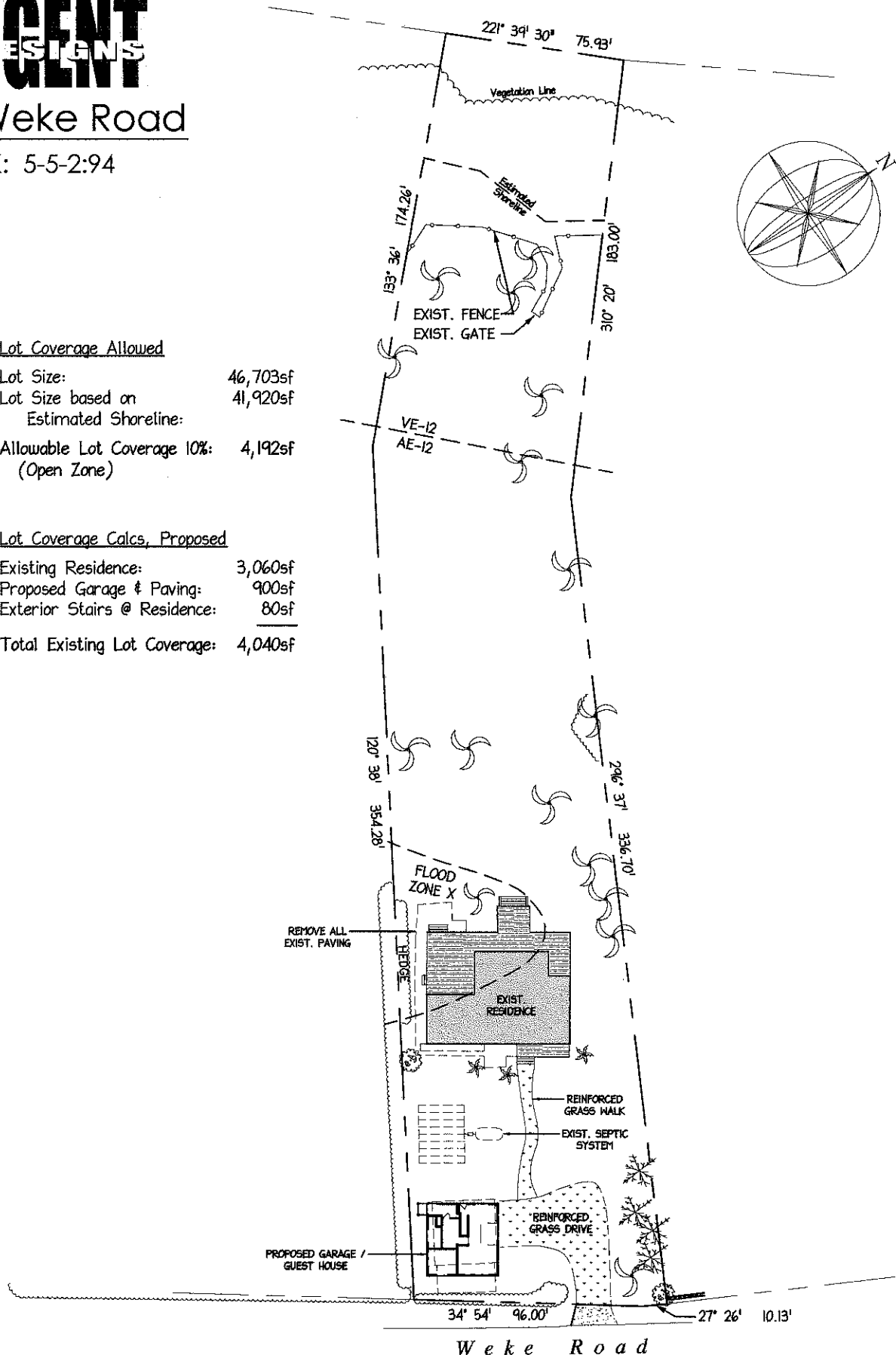
TMK: 5-5-2:94

Lot Coverage Allowed

Lot Size: 46,703sf
Lot Size based on
Estimated Shoreline: 41,920sf
Allowable Lot Coverage 10%: 4,192sf
(Open Zone)

Lot Coverage Calcs, Proposed

Existing Residence: 3,060sf
Proposed Garage & Paving: 900sf
Exterior Stairs @ Residence: 80sf
Total Existing Lot Coverage: 4,040sf




Plot Plan

1"=60'



Letter of Authorization

I, Kevin Chick, a representative of Uplands Trust, the owner of lot T.M.K. (4) 5-5-002:094, enable Jon Kagle of Cogent Designs to act as the Authorized Agent regarding the permitting of any proposed improvements on the subject property.


Kevin Chick
4/24/17